

- (5) Ilyushin Aviation IL 96T
- (6) Bristol Aircraft Britannia 305
- (7) Handley Page Herald Type 300
- (8) Avions Marcel Dassault—Breguet Aviation Mercure 100C
- (9) Airbus Caravelle
- (10) Lockheed L-300

[Amdt. 129-43, 72 FR 63413, Nov. 8, 2007]

§ 129.117 Flammability reduction means.

(a) *Applicability.* Except as provided in paragraph (o) of this section, this section applies to U.S.-registered transport category, turbine-powered airplanes with a type certificate issued after January 1, 1958, that as a result of original type certification or later increase in capacity have:

(1) A maximum type-certificated passenger capacity of 30 or more, or

(2) A maximum payload capacity of 7,500 pounds or more.

(b) *New Production Airplanes.* Except in accordance with § 129.14, no foreign air carrier or foreign person may operate an airplane identified in Table 1 of this section (including all-cargo airplanes) for which application is made for original certificate of airworthiness or export airworthiness approval after December 27, 2010 unless an Ignition Mitigation Means (IMM) or Flammability Reduction Means (FRM) meeting the requirements of § 26.33 of this chapter is operational.

TABLE 1

Model—Boeing	Model—Airbus
747 Series 737 Series 777 Series 767 Series	A318, A319, A320, A321 Series A330, A340 Series

(c) *Auxiliary Fuel Tanks.* After the applicable date stated in paragraph (e) of this section, no foreign air carrier or foreign person may operate any airplane subject § 26.33 of this chapter that has an Auxiliary Fuel Tank installed pursuant to a field approval, unless the following requirements are met:

(1) The foreign air carrier or foreign person complies with 14 CFR 26.35 by the applicable date stated in that section.

(2) The foreign air carrier or foreign person installs Flammability Impact Mitigation Means (FIMM), if applica-

ble, that are approved by the FAA Oversight Office.

(3) Except in accordance with § 129.14, the FIMM, if applicable, are operational.

(d) *Retrofit.* After the dates specified in paragraph (e) of this section, no foreign air carrier or foreign person may operate an airplane to which this section applies unless the requirements of paragraphs (d)(1) and (d)(2) of this section are met.

(1) IMM, FRM or FIMM, if required by §§ 26.33, 26.35, or 26.37 of this chapter, that are approved by the FAA Oversight Office, are installed within the compliance times specified in paragraph (e) of this section.

(2) Except in accordance with § 129.14, the IMM, FRM or FIMM, as applicable, are operational.

(e) *Compliance Times.* Except as provided in paragraphs (k) and (l) of this section, the installations required by paragraph (d) of this section must be accomplished no later than the applicable dates specified in paragraph (e)(1) or (e)(2) of this section.

(1) Fifty percent of each foreign air carrier or foreign person's fleet identified in paragraph (d)(1) of this section must be modified no later than December 26, 2014.

(2) One hundred percent of each foreign air carrier or foreign person's fleet of airplanes subject to paragraph (d)(1) or this section must be modified no later than December 26, 2017.

(3) For those foreign air carriers or foreign persons that have only one airplane for a model identified in Table 1, the airplane must be modified no later than December 26, 2017.

(f) *Compliance after Installation.* Except in accordance with § 129.14, no person may—

(1) Operate an airplane on which IMM or FRM has been installed before the dates specified in paragraph (e) of this section unless the IMM or FRM is operational.

(2) Deactivate or remove an IMM or FRM once installed unless it is replaced by a means that complies with paragraph (d) of this section.

(g) *Maintenance Program Revisions.* No foreign air carrier or foreign person

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may operate an airplane for which airworthiness limitations have been approved by the FAA Oversight Office in accordance with §§ 26.33, 26.35, or 26.37 of this chapter after the airplane is modified in accordance with paragraph (d) of this section unless the maintenance program for that airplane is revised to include those applicable airworthiness limitations.

(h) After the maintenance program is revised as required by paragraph (g) of this section, before returning an airplane to service after any alteration for which airworthiness limitations are required by §§ 25.981, 26.33, 26.35, or 26.37 of this chapter, the foreign person or foreign air carrier must revise the maintenance program for the airplane to include those airworthiness limitations.

(i) The maintenance program changes identified in paragraphs (g) and (h) of this section must be submitted to the operator's assigned Flight Standards Office or Principal Inspector for review and approval prior to incorporation.

(j) The requirements of paragraph (d) of this section do not apply to airplanes operated in all-cargo service, but those airplanes are subject to paragraph (f) of this section.

(k) The compliance dates specified in paragraph (e) of this section may be extended by one year, provided that—

(1) No later than March 26, 2009, the foreign air carrier or foreign person notifies its assigned Flight Standards Office or Principal Inspector that it intends to comply with this paragraph;

(2) No later than June 24, 2009, the foreign air carrier or foreign person applies for an amendment to its operations specifications in accordance with § 129.11 to include a requirement for the airplane models specified in Table 2 of this section to use ground air conditioning systems for actual gate times of more than 30 minutes, when available at the gate and operational, whenever the ambient temperature exceeds 60 degrees Fahrenheit; and

(3) Thereafter, the certificate holder uses ground air conditioning systems as described in paragraph (k)(2) of this section on each airplane subject to the extension.

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TABLE 2

Model—Boeing	Model—Airbus
747 Series 737 Series 777 Series 767 Series 757 Series	A318, A319, A320, A321 Series A300, A310 Series A330, A340 Series

(l) For any foreign air carrier or foreign person for which the operating certificate is issued after December 26, 2008, the compliance date specified in paragraph (e) of this section may be extended by one year, provided that the foreign air carrier or foreign person meets the requirements of paragraph (k)(2) of this section when its initial operations specifications are issued and, thereafter, uses ground air conditioning systems as described in paragraph (k)(2) of this section on each airplane subject to the extension.

(m) After the date by which any person is required by this section to modify 100 percent of the affected fleet, no person may operate in passenger service any airplane model specified in Table 2 of this section unless the airplane has been modified to comply with § 26.33(c) of this chapter.

TABLE 3

Model—Boeing	Model—Airbus
747 Series 737 Series 777 Series 767 Series 757 Series	A318, A319, A320, A321 Series A300, A310 Series A330, A340 Series

(n) No foreign air carrier or foreign person may operate any airplane on which an auxiliary fuel tank is installed after December 26, 2017 unless the FAA has certified the tank as compliant with § 25.981 of this chapter, in effect on December 26, 2008.

(o) *Exclusions.* The requirements of this section do not apply to the following airplane models:

- (1) Convair CV-240, 340, 440, including turbine powered conversions.
- (2) Lockheed L-188 Electra.
- (3) Vickers VC-10.
- (4) Douglas DC-3, including turbine powered conversions.
- (5) Bombardier CL-44.
- (6) Mitsubishi YS-11.
- (7) BAC 1-11.
- (8) Concorde.

- (9) deHavilland D.H. 106 Comet 4C.
- (10) VFW—Vereinigte Flugtechnische VFW-614.
- (11) Ilyushin Aviation IL 96T.
- (12) Bristol Aircraft Britannia 305.
- (13) Handley Page Herald Type 300.
- (14) Avions Marcel Dassault—Breguet Aviation Mercure 100C.
- (15) Airbus Caravelle.
- (16) Fokker F-27/Fairchild Hiller FH-227.
- (17) Lockheed L-300.

[Doc. No. FAA-2005-22997, 73 FR 42503, July 21, 2008, as amended by Amdt. 129-47, 74 FR 31620, July 2, 2009]

APPENDIX A TO PART 129—APPLICATION FOR OPERATIONS SPECIFICATIONS BY FOREIGN AIR CARRIERS

(a) *General.* Each application must be executed by an authorized officer or employee of the applicant having knowledge of the matter set forth therein, and must have attached thereto two copies of the appropriate written authority issued to that officer or employee by the applicant. Negotiations for permission to use airports under U.S. military jurisdiction is effected through the respective embassy of the foreign government and the United States Department of State.

(b) *Format of application.* The following outline must be followed in completing the information to be submitted in the application.

APPLICATION FOR FOREIGN AIR CARRIER OPERATIONS SPECIFICATIONS

(OUTLINE)

In accordance with the Federal Aviation Act of 1958 (49 U.S.C. 1372) and part 129 of the Federal Air Regulations, application is hereby made for the issuance of Foreign Operations Specifications.

Give exact name and full post office address of applicant.

Give the name, title, and post office address (within the United States if possible) of the official or employee to whom correspondence in regard to the application is to be addressed.

Unless otherwise specified, the applicant must submit the following information only with respect to those parts of his proposed operations that will be conducted within the United States.

SECTION I. *Operations.* State whether the operation proposed is day or night, visual flight rules, instrument flight rules, or a particular combination thereof.

SEC. II. *Operational plans.* State the route by which entry will be made into the United States, and the route to be flown therein.

SEC. III. A. *Route.* Submit a map suitable for aerial navigation upon which is indicated the exact geographical track of the proposed route from the last point of foreign departure to the United States terminal, showing the regular terminal, and alternate airports, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Regular route: Black.
2. Regular terminal airport: Green circle.
3. Alternate airports: Orange circle.
4. The location of radio navigational facilities which will be used in connection with the proposed operation, indicating the type of facility to be used, such as radio range ADF, VOR, etc.

B. *Airports.* Submit the following information with regard to each regular terminal and alternate to be used in the conduct of the proposed operation:

1. Name of airport or landing area.
2. Location (direction distance to and name of nearest city or town).

SEC. IV. *Communications facilities.* List all communication facilities to be used by the applicant in the conduct of the proposed operations within the United States and over that portion of the route between the last point of foreign departure and the United States.

SEC. V. *Aircraft.* Submit the following information in regard to each type and model aircraft to be used.

A. *Aircraft.*

1. Manufacturer and model number.
2. State of origin.
3. Single-engine or multiengine. If multiengine, indicate number of engines.
4. What is the maximum takeoff and landing weight to be used for each type of aircraft?
5. Registration markings of each U.S.-registered aircraft.

B. *Aircraft Radio.* List aircraft radio equipment necessary for instrument operation within the United States.

C. *Licensing.* State name of country by whom aircraft are certificated.

SEC. VI. *Airmen.* List the following information with respect to airmen to be employed in the proposed operation within the United States.

A. State the type and class of certificate held by each flight crewmember.

B. State whether or not pilot personnel have received training in the use of navigational facilities necessary for en route operation and instrument letdowns along or adjacent to the route to be flown within the United States.